IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/09/2004

Coram

THE HONOURABLE MR. JUSTICE A.K.RAJAN

W.P.No.25513 of 2004
to
W.P.No.25519 of 2004

W.P.No.25513 of 2004:

R.C.Elangovan .. Petitioner

-vs-

1. The Government of Tamil Nadu
Represented by its Secretary
Revenue Department
Fort St. George
Chennai - 9

2. The Special Commissioner and
Commissioner of Revenue Administration
Chepauk
Chennai - 5 .. Respondents

For Appellant : Mr.E.Om Prakash
for M/s Ramalingam and Associates

For Respondent : Mr.R.Vijayakumar
Government Advocate

:COMMON ORDER

The petitioners have filed the above writ petitions praying to issue writ of certiorari to call for the records of the first respondent which culminated in issuing G.O.(Ms.)No.403 Revenue 7(1) Department dated 25.8.2004 and to quash the same.

2. It is stated that the Government has passed G.O.Ms. No.864 dated 10.8.1992 wherein it is mentioned that trans
Administrative Officer shall be effected only during the month of May. This was relaxed by the impugned G.O. only for the year 2004. Learned counsel submitted that the Government has acted arbitrarily and hence, it is invalid. The question of non-transferability arises only because the Government have stated in the earlier G.O. that transfer shall be effected only in the month of May. This right has been

created by the Government and any right created by the Government can be modified by issuing another G.O. Therefore, it ca
that the Government have acted arbitrarily.

3. Learned counsel for the petitioners also submitted that the Government has not specified any reason for relaxation of rule. This argument is not acceptable because the power of relaxation vests with the Government and it is not mandatory that the Government must specify the reasons or circumstances under which a G.O. is is
modified.

4. The third contention raised by the learned counsel for the petitioners is with regard to the transfer of the Village Administrative Officers as the villages have been reclassified into two categories, namely, A and B even within Tambaram Taluk. It is submitted by the learned counsel that as the transfers are based on the said classification of villages, it will affect the petitioners. The argument advanced by the learned counsel cannot be accepted. If any person already serving in class A village is transferred to class B village, it is always permissible for him to challenge such orde

5. The last contention put forth by the learned counsel is that there is likelihood of the petitioners being transferred out of Tambaram Taluk. The contention of the learned counsel is
is open to the aggrieved person to challenge such order if it is against the Rules.

6. With the above observations, the writ petitions are dismissed. Consequently, W.P.M.P. Nos.31013 to 31026 o
costs.

Index : Yes
Internet: Yes

gri

To

1. The Secretary
Government of Tamil Nadu
Revenue Department
Fort St. George
Chennai - 9

2. The Special Commissioner and
Commissioner of Revenue Administration
Chepauk
Chennai - 5

□